

**Notice of Allowability**

Application No.

10/646,113

Examiner

Lynda M. Salvatore

Applicant(s)

JAHN ET AL.

Art Unit

1771

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/06.
2. ☒ The allowed claim(s) is/are 16-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Appeal Brief*

1. Applicant's Appeal Brief filed 9/27/06 has been fully considered and entered. Applicant's arguments made in the Brief are found persuasive of patentability. As such, the rejections of claims 16-19,30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al., US 4,020,223 in view of Jahn, US 5, 397,629 as set forth in section 3 of the Final Office Action dated 3/17/06 are hereby withdrawn. Thus, claims 16-19,30 and 31 are found allowable over the prior art made of record for reasons set forth herein below.

### *Election/Restrictions*

2. Claims 16-19,30 and 31 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 20-29, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because claims 20-29 previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the portion of the restriction requirement directed to the process as set forth in the Office action mailed on 7/1/05 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance: Claims 16-31 are allowed.

Claims 16-31 are found allowable over the combination of Dixon et al., in view of Jahn. Specifically, the combination of prior art fails to teach synthetic yarns or filaments coated with fluoropolymer wherein the yarns or filaments have been surface fluorinated and further wherein the fluoropolymer coating is free of adhesion promoting constituents. Presently, the primary reference of Dixon et al., teach surface fluorination of the synthetic filaments, however, there is a lack of teaching and motivation in Dixon et al., to further coat the surface fluorinated filaments with fluoropolymer coating of Jahn. Additionally, it is the position of the Examiner that while Jahn does teach a fluoropolymer coating absent adhesion promoting constituents, the Jahn invention is directed to a fluoropolymer coating having adhesion promoting constituents. The relied upon portion in Jahn directed to the fluoropolymer coating absent adhesion promoting constituents was disclosed as a comparative example to exemplify inferior results to the coating having adhesion promoting constituents. Thus, the Examiner concludes that a lack of motivation exists to combine references to form the obviousness rejections previously made. An updated art search did not produce any new substantial for which to base a rejection and presently no motivation exists to combine references to form another obviousness type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 1771

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 9, 2006

ls

A handwritten signature in black ink, appearing to read "Lynda M. Salvatore", written over the typed name.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Clements on December 11<sup>th</sup>, 2006.

#### **IN THE CLAIMS**

Cancel claims 1-15

In claim 20, line 1, after the word 'from' insert the word "the".

In claim 20, line 1, after the word 'yarn' delete the word "as" and insert the word "of".

In claim 20, line 2, delete the words "claimed in".

Amended Claim 20 should read as follows: A process for producing a textile fabric from the yarn of claim 16 which comprise a first step of fluorinating the synthetic fibers in fluorine/carrier gas atmosphere and a second step of coating the fluorinated synthetic fibers with an aqueous fluoropolymer composition on both sides of the fabric.